

**UNITED STATES OF AMERICA**

**Plaintiff,**

**v.**

**RENE JAIMES SALAZAR,**

**Defendant.**

As the Fourth Circuit has already noted, a defendant's notice of appeal in a criminal case

must be filed within ten days after judgment of conviction. Fed. R. App. P. 4(b)(1)(A). The district court, upon a finding of good cause or neglect, may extend a defendant's time period for filing a notice of appeal an additional thirty days beyond the expiration of the ten. Fed. R. App. P. 4(b)(4). The appeal periods established by Rule 4 are mandatory and jurisdictional. Browder v. Director, Dept. Of Corr., 434 U.S. 257, 264 (1978); Panhorst v. United States, 241 F.3d 367, 369-70 (4<sup>th</sup> Cir. 2001).

Defendant is clearly beyond both the ten-day and additional thirty-day periods and therefore his motion for the Right to Appeal (Document No. 200) is denied<sup>1</sup> and his Motions for Appointment of Counsel (Document No. 201) and to Obtain Transcripts (Document No. 2002) are denied as moot.

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<sup>1</sup> The Court also notes that cannot construe Defendant's Motion for the Right to Appeal as a Motion to Vacate under 28 U.S.C. § 2255 because it also would be untimely.

**Signed: May 10, 2005**

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

